

Michelle Lamb - 4/27/2022

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

| | | |
|---------------------------|---|--------------|
| JENNIFER HARRIS, | * | |
| | * | |
| Plaintiff, | * | |
| | * | CIVIL ACTION |
| vs. | * | 4:21-cv-1651 |
| | * | |
| FEDEX CORPORATE SERVICES, | * | |
| INC., | * | |
| | * | |
| Defendant. | * | |

ORAL AND VIDEOTAPED DEPOSITION OF
MICHELLE LAMB
APRIL 27, 2022
(Conducted Remotely)

ORAL AND VIDEOTAPED DEPOSITION OF MICHELLE LAMB, produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and -numbered cause on the 27th day of April, 2022, from 8:29 a.m. to 11:13 a.m., before Leah K. Osteen Dow, CSR in and for the State of Texas, reported remotely by machine shorthand, with the witness being located in Houston, Texas, taken pursuant to the Federal Rules of Civil Procedure and any provisions, stipulations, or agreements stated on the record by counsel.

Osteen & Associates Reporting Services

817-498-9990

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P R O C E E D I N G S

08:28 2 THE REPORTER: Going on the record at 8:29
3 a.m., April 27, 2022, for the deposition of Michelle
4 Lamb, being conducted remotely in the matter of Jennifer
5 Harris vs. FedEx Corporate Services, Inc.

08:29 6 My name is Leah Osteen, Texas CSR 3916,
7 reporting remotely from Hurst, Texas. The witness is
8 located in Houston, Texas.

08:29 9 Would counsel state their appearances and
10 any agreements for the record.

08:29 11 MS. SANFORD: BB Sanford for the
12 Plaintiff, Jennifer Harris. And Brian Sanford may be
13 joining later, too, but he's not here now.

08:29 14 MR. BABCOCK: Good morning. Barak Babcock
15 for FedEx.

08:29 16 And, Counsel, we've had email traffic, but
17 just to reiterate what we wrote in our March 6, 2022,
18 email, we believe that Zoom deposition recordings
19 recorded in the Zoom app are objectionable to be
20 submitted to the Court or a jury. So we'll just put
21 that objection on the record.

08:30 22 THE REPORTER: Ms. Lamb, if you'll raise
23 your right hand, I'll swear you in.

24 (Witness placed under oath.)

25 MICHELLE LAMB,

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1 having been first duly sworn, testified as follows:

2 EXAMINATION

08:30 3 BY MS. SANFORD:

08:30 4 Q. All right. Good morning, Ms. Lamb. My name is
5 BB Sanford. I'll be the one asking you most of the
6 questions today.

08:30 7 A. Okay.

08:30 8 Q. Have you ever had your deposition taken before?

08:30 9 A. No, I have not.

08:30 10 Q. Okay. I assume your attorney probably told you
11 how this is going to go. But he may make certain
12 objections throughout the course of the deposition. You
13 may still continue to answer even if he objects unless
14 he instructs you not so.

08:30 15 Do you understand that?

08:30 16 A. Yes, I do. Thank you.

08:30 17 Q. And where are you located today?

08:30 18 A. I'm located in Houston, Texas.

08:30 19 Q. Are you at your office? Are you at your
20 attorney's office?

08:30 21 A. I am in a FedEx office, not my FedEx office.

08:31 22 Q. Where is your FedEx office located?

08:31 23 A. I work out of my home presently.

08:31 24 Q. And when you don't, do you have an office? Do
25 you have a spot that you go to at a building that's not

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10:25 1 Q. Okay. The district sales managers that you
2 approved and allowed FedEx to expense those costs,
3 who were -- who were those people?

10:25 4 MR. BABCOCK: Object to the form.

10:25 5 A. I recall Rebecca Callahan, Brian Conrey, and
6 possibly Casey Millner.

10:26 7 Q. And -- sorry. What?

10:26 8 A. They carpooled to Dallas, there and back, same
9 day, without the need for airline expense nor hotel
10 expense.

10:26 11 Q. So the three individuals that FedEx could
12 budget that you approved to go to the Dallas Pathways
13 Program, they were all white, true?

10:26 14 A. True.

10:26 15 Q. I don't want to take up too much more of your
16 time.

10:26 17 Could you explain to me what the
18 Coach2Grow2.0 Program was?

10:26 19 A. Coach2Grow2.0 is a -- was a rollout of coaching
20 expectations for our managers, which would allow them
21 the ability to customize their coaching approach based
22 on the needs of the individual that they are coaching.

10:27 23 Q. And it's fair to say you weren't pleased with
24 how Harris -- Ms. Harris was rolling out her -- the
25 Coach2Grow2.0 Program with her team; is that -- is that

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1 accurate?

10:27 2 A. That's accurate.

10:27 3 Q. Describe what Ms. Harris was doing wrong, in
4 your opinion.

10:27 5 MR. BABCOCK: Object to the form.

10:27 6 A. My -- I spent three and a half hours with
7 Ms. Harris reviewing expectations for her rollout of
8 Coach2Grow2.0 with her team. At that meeting, she took
9 no notes and had no questions.

10:28 10 I later followed up with her to establish
11 how those conversations went, and she said to me that
12 she had abbreviated the rollout and had only discussed a
13 couple of the slides with her team, which was not
14 following the direction that I had given her.

10:28 15 Q. And so you confronted Ms. Harris about these
16 issues?

10:28 17 MR. BABCOCK: Object to the form.

10:28 18 A. Yes.

10:28 19 Q. How did you do so? How did you do that?

10:28 20 A. I started by asking her questions. I asked her
21 for the results of her Coach2Grow rollout and quickly
22 identified that there are these gaps. I explained to
23 her that I was very disappointed and I needed her to
24 make sure that she understood the material and was
25 capable of rolling out to her team as instructed and as

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1 her peers were doing.

10:29 2 Q. What was Ms. Harris's response?

10:29 3 A. She said she would consult with her peers to
4 learn how to roll out the material.

10:29 5 And I said, No. We are going to have
6 another conversation. I'm your manager. I need to
7 teach you this material. Your peers are also learning
8 it for the first time themselves.

10:30 9 And so I went through it with her yet
10 again.

10:30 11 Q. And what happened after that?

10:30 12 A. After that, she proceeded to roll out the
13 material to her team. And I asked her for confirmation
14 that it was done with each individual, and she provided
15 that for me.

10:30 16 Q. And it met your satisfaction? You coached her,
17 and she did it right?

10:30 18 MR. BABCOCK: Object to the form.

10:30 19 A. Yes.

10:30 20 Q. All right. Explain -- would you explain to me
21 your process -- let me start over.

10:31 22 It was your decision to terminate
23 Ms. Harris in January 2020, true?

10:31 24 A. True.

10:31 25 Q. When did you make that decision?

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10:31 1 A. I made that decision after the unsuccessful
2 completion of her second performance improvement plan.

10:31 3 Q. So if I'm remembering right, she had two -- you
4 gave Ms. Harris two letters of counseling and two
5 performance improvement plans?

10:31 6 MR. BABCOCK: Object to the form.

10:31 7 A. There was a letter of counseling, a letter of
8 warning, and two performance improvement plans.

10:31 9 Q. And what expectation -- or what did she not
10 meet in the second performance improvement plan that led
11 to her termination for you?

10:32 12 A. There were five objectives outlined within that
13 performance improvement plan. Three of the five
14 objectives were not met. The details of that
15 performance improvement plan are not in front of me at
16 the moment, but I know that those documents have been
17 provided.

10:32 18 Q. The -- you created a request for termination
19 form; is that true?

10:32 20 A. That's true.

10:32 21 Q. And in that -- okay. So it looks to me that
22 when you gave Ms. Harris the letter of counseling, the
23 first performance improvement plan came with it, that it
24 was like a bundle.

10:32 25 Is that right?

JENNIFER HARRIS,

Plaintiff,

vs.

FEDEX CORPORATE SERVICES,
INC.,

Defendant.

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CIVIL ACTION
4:21-cv-1651

REPORTER'S CERTIFICATION
ORAL AND VIDEOTAPED DEPOSITION OF
MICHELLE LAMB
APRIL 27, 2022

That the witness, MICHELLE LAMB, was duly sworn by me and that the transcript of the oral deposition is a true record of the testimony given by the witness;


__XX__ was requested by the deponent or a party before the completion of the deposition and is to be returned within 30 days from date of receipt of the transcript. If returned, the attached Errata contain any changes and the reasons therefor;

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1 _____ was not requested by the deponent or a
2 party before the completion of the deposition.

3 I further certify that I am neither counsel
4 for, related to, nor employed by any of the parties or
5 attorneys to the action in which this proceeding was
6 taken. Further, I am not a relative or employee of any
7 attorney of record in this cause, nor am I financially
8 or otherwise interested in the outcome of the action.

9 Subscribed and sworn to on this the 19th day
10 of May, 2022.

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13
14
15 
16 LEAH K. OSTEEN DOW, Texas CSR #22013
17 Certification expires: 4/30/2023
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